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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,235	12/20/2000	Akito Nishimura	14998-255	1247
7590	02/28/2006		EXAMINER [REDACTED]	NASRI, JAVAID H
Ira J Schaefer Chadbourne & Parke 30 Rockefeller Plaza New York, NY 10112			ART UNIT [REDACTED]	PAPER NUMBER 2839

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	Am
	09/720,235 Examiner Javaid Nasri	NISHIMURA ET AL. Art Unit 2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10, 12, 13 and 15-24 is/are pending in the application.  
 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10, 12 and 13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 December 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/31/2005</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2 16021 (cited in IDS).

JP 2 16021 discloses, **for claim 1**, a ferrule body (1); wherein a concave portion (12), a depth of said concave portion is deeper than a height of a flash which is formed in said concave portion as a result of said resin molding (see figures 1 and 2), **for claim 12**, a concave portion (12) is formed for confirming confirmation factor such as a material of said ferrule body or sorts of optical fiber held in said ferrule body; and said concave portion is formed in a flange portion (11) of said ferrule body, **for claim 13**, the concave portion is formed at a portion other than a flange portion of the ferrule body, **for claim 2**, an optical fiber insertion opening portion for inserting an optical fiber, an optical fiber insertion hole for inserting an end of said optical fiber which is inserted in said optical fiber insertion opening portion, and a guide pin hole for inserting a guide pin for guiding said ferrule body to a proper position, are formed in said ferrule body so as to position said optical fiber insertion hole in a tip end portion thereof, **for claim 3**, a flange portion (11) protruding from an external periphery surface of said ferrule body (1) to an outside is

provided in a rear end portion of said ferrule body opposite to said tip end portion, and said concave portion is formed in an external surface of said flange portion,

**Note: Regarding forming a gate in the concave portion, no patentable weight is given because it is a tool for processing molding. Gate can be anywhere for the process.**

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2 16021. JP 2 16021 discloses all the limitations of claims 1-3, as shown above. JP 2 16021 also discloses, **for claim 5**, the concave portion is formed so as to extend from said side surface to a rear end corner of said rear end portion, **for claim 6**, a linear dimension of the flange portion obtained by excluding the concave portion is set to 0.3 mm or more, **for claim 7**, the concave portion is formed between both corner portions of said side surface which extend along an insertion direction of said optical fiber, **for claims 8 and 10**, the concave portion is formed in a groove shape extending over a whole length of said flange portion along an insertion direction of said optical fiber,

However, JP 2 16021 does not disclose:

- a) **For claims 4 and 9**, the flange portion has a rectangular shape. It would have been an obvious matter of design choice to have the flange portion to

be a rectangular shape, since such a modification would have involved a mere change in the size or shape of a component. A change in size or shape is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

### **Restriction**

5. Claims 15-24 are withdrawn from further consideration.

### ***Response to Arguments***

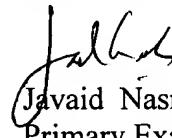
6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### **Contact**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 571 272 2095. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas C. Patel can be reached on 571 272 2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Javaid Nasri  
Primary Examiner  
Art Unit 2839

JN  
Jhn  
February 23, 2006